THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 935 OF 2007

DATED: 29-01-2007

Between:

M/s. Madanapally Oil Supply Company,

Dealer, Hindusthan Petroleum Corporation Limited,

Rep. By its Proprietor Kalva Gopal Reddy … Petitioner

And

The Joint Collector,

Ananthapur,

Ananthapur District

… Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 935 OF 2007

ORDER:

The writ petition is directed against the order dated 04-01-2007 of the first respondent suspending the 'B' form licence of the petitioner.

Petitioner is a wholesale dealer in kerosene. As is apparent from the impugned order, the Civil Supplies Deputy Tahsildar, Kadiri had inspected five fair price shops in O.D. Cheruvu Mandal and had reported that the petitioner had not distributed kerosene. He recorded the statements from the Fair Price Shop dealers and reported to the respondents to take appropriate disciplinary action against the petitioner. Based on the report, the Enforcement Deputy Tahsildar, Civil Supplies issued a show cause notice on

30-11-2006 framing certain charges and calling upon the petitioner to submit his explanation. The petitioner submitted her explanation on 07-12-2006. On a prima facie satisfaction that the explanation did not deal with the allegations and on further satisfaction *primafacie* that the petitioner had committed the irregularities specified in the charge memo dated 30-11-2006, which are also recorded in the impugned order and exercising available power, the respondent placed the petitioner's licence under suspension.

The learned counsel for the petitioner would contend, on the basis of certain documents filed in this writ petition that the allegations as to irregular supply of the kerosene are unsustainable. It is also alleged that without due and proper application of mind and without recording cogent reasons, the respondent issued the suspension order. An order passing on an employee or a licencee, suspending pending enquiry is not an exercise inviting elaborate reasons. That is more appropriate at the final determination after an enquiry. At this stage of the matter, the competent authority will have to prima facie satisfy that there was something to be enquired into and of sufficient gravity, to warrant suspension pending enquiry. Such a satisfaction is seen to have been rationally arrived at in the impugned order.

On the aforesaid analysis, there are no merits justifying interference with the impugned order.

The writ petition is accordingly dismissed at the stage of admission after hearing the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. There shall however be no order as to costs. The first respondent shall expeditiously conclude the enquiry to the allegations against the petitioner, preferably within a period of three (3) months from the date of receipt of a copy of this order.

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GODA RAGHURAM, J.

Dt: 29-01-2007

Rns